

AMENDMENTS TO THE DRAWINGS

Please substitute the enclosed drawing sheet, having Figs. 4 – 6, for the corresponding drawing sheet presently of record. Fig. 6 has been amended so that the reference numeral "32" pointing to a horizontal seal, has been changed to reference numeral "34" to conform to the specification as originally filed.

Please add new Fig. 21, as indicated in the attached new drawing sheet.

REMARKS

The application has been amended to distinguish the claimed invention over the cited prior art and to place the application as a whole into *prima facie* condition for allowance at this time. Care has been taken to avoid the introduction of any new subject matter into the application as a result of the foregoing amendments.

The drawings have been objected to under 37 CFR 1.83(a), as purportedly not showing the subject matter of claims 12 and 25, namely an outer layer having a width less than the inner layer, and has required correction of the drawings.

In response thereto, Applicant submits herewith a new drawing sheet, in which new Fig. 21 illustrates an outer layer having an width which is less than the width of the inner layer. Applicant has additionally amended the specification, as indicated, to provide proper mention of new Fig. 21. Applicant respectfully submits that support for the foregoing amendments may be found in the originally-filed specification, at p. 8, lines 17 – 18; p. 10, lines 16 – 18; p. 18, lines 7 – 12, as well as original claims 12 and 25. Accordingly, entry and acceptance of the foregoing amendments are respectfully solicited, and Applicant submits that the Examiner's basis for objection to the drawings should be deemed overcome. Reconsideration and withdrawal of the objection to the drawings are respectfully solicited.

Applicant has additionally amended Fig. 6, to change one of the reference numerals "32" to "34", in accordance with the specification as filed.

Claims 1, 4, 5, 14, 17 and 18 have been rejected under 35 U.S.C. 112, 2nd paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner has stated that the terminology "at least indirectly" is inappropriate, and has suggested as an alternative, "either directly or indirectly". In complete response thereto, Applicant has amended claims 1, and 14, from which claims 4 and 5, and 17 and 18, depend, respectively, in accordance with the Examiner's suggestion. Therefore, Applicant respectfully submits that the Examiner's bases for rejection of the claims under 35 U.S.C. 112, 2nd paragraph should be deemed overcome, and reconsideration and

withdrawal of the rejections of those claims under 35 U.S.C. 112, 2nd paragraph are respectfully solicited.

Claims 1, 3, 5, 6, 9, 11, 14, 16, 18, 19, 22 and 24 have been rejected under 35 U.S.C. 102(b) as being anticipated by Hill, US 5,024,536. Claims 2, 4, 7, 8, 10, 15, 17, 20, 21 and 23 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Hill in view of Nakamura, US 4,744,673. Applicant respectfully traverses the Examiner's substantive bases for rejection of the claims.

Applicant's invention is directed to a package, for the display and sale of articles, intended to be presented for display, e.g., in a retail environment. As such, the articles being sold should be sealed, in a permanent sense, in the package, to inhibit theft, and so that the articles are not spilt out of the package during shipment. As such, amended claims 1 and 14 include among other limitations, the presence of, or the step of placing, a permanent seal extending across the top of at least one of the at least two inner chambers, to maintain any articles therewithin.

The Hill reference discloses a reclosable and reopenable bag, having multiple compartments, which is intended to be used for the storage and transportation of food, in such a manner that there is no intermingling of food articles. As this bag is intended to be filled and readily re-opened, there is an affirmative teaching, inherent in the reference, against having the chambers be modified to be permanently sealed, such as by a welding of two adjacent layers to one another. Thus, the Hill reference may not be modified, so as to incorporate any permanent seals across the tops of the chambers, without directly frustrating the goals and purposes of that reference.

In view of the foregoing, Applicant respectfully submits that claims 1 and 14, as amended, patentably distinguish over the cited Hill reference, and that the Examiner's substantive basis for rejection of claims 1 and 14 should be deemed overcome. Reconsideration and withdrawal of the rejections of claims 1 and 14, and allowance thereof, are respectfully solicited.

Inasmuch as dependent claims 2 – 11, and 15 - 23 merely serve to further define the subject matter of claim 1 and 14, respectively, which themselves should be

deemed allowable, reconsideration and withdrawal of the rejections of claim 2 – 11 and 15 - 23, and allowance thereof, are likewise respectfully requested.

In view of the foregoing, Applicant respectfully submits that the Examiner's bases for rejection, in the instant application, of claims 1 - 26, should be deemed overcome. Allowance of the application as a whole, including claims 1 - 26, are respectfully solicited.

As a result of the foregoing amendments, the application presently contains 6 independent claims. Therefore, Applicant submits herewith payment of \$600.00 for the three independent claims in excess of three.

Should anything further be required, a telephone call to the undersigned, at (312) 456-8400, is respectfully invited.

Respectfully submitted,
GREENBERG TRAURIG, LLP

Dated: June 8, 2005


One of Attorneys for Applicant

CERTIFICATE OF MAILING

I hereby certify that this AMENDMENT AND COMMUNICATION is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on June 8, 2005.

